

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In Re:

Dale R Neitzel,

Debtor.

Case No. 18-26112

Chapter 13

Honorable Janet S. Baer

AGREED DEFAULT ORDER

THIS CAUSE coming on to be heard upon the Motion for Relief from Automatic Stay and Motion for Relief from Co-Debtor Stay filed on behalf of PNC Bank, National Association, (hereinafter referred to as "Movant"), a secured creditor or servicing agent for a secured creditor holding a lien on the Debtor's and Co-Debtor, Tammy Neitzel, property commonly known as 536 Citadel Cir, Westmont, Illinois 60559 (hereinafter referred to as the "Property"), all parties having notice, the Court having jurisdiction and being fully advised:

IT IS HEREBY ORDERED:

1. The current post-petition arrearage, through April 30, 2019, is \$7,883.55. The arrears include:

\$1,031.00 attorney fees and costs;
4 (January 2019 - April 2019) payments @ \$1,730.51 = \$6,922.04; and
Less funds in Debtor's suspense account in the approximate amount of \$69.49.

2. Debtor shall tender the sum of \$1,800.00 on or before March 29, 2019 to partially cure the arrears of \$7,883.55 through April 30, 2019.

3. In addition to making the regular post-petition payments timely, the Debtor shall cure the remaining arrears of \$6,083.55, by making the following monthly payments directly to PNC Bank, National Association:

\$1,013.92 on or before April 25, 2019;
\$1,013.92 on or before May 25, 2019;
\$1,013.92 on or before June 25, 2019;
\$1,013.92 on or before July 25, 2019;
\$1,013.92 on or before August 25, 2019; and
\$1,013.95 on or before September 25, 2019.

4. If the Debtor fails to timely pay two or more (i) regular monthly payments increased or decreased as necessary to reflect changes in variable interest rates, escrow requirements, collection costs, or similar matters; (ii) plan payments to the Chapter 13 Trustee; (iii) payments for property insurance and/or general real estate taxes; or (iv) Debtor fails to cure the arrears pursuant to paragraph 2 or 3 above, then the Debtor shall be deemed to be in default. Upon Movant's notice of the default to the Debtor, Co-Debtor and the Debtor's attorney, the

Debtor shall have fourteen (14) days from the date the Notice of Default is filed, to cure the default. If the default is not cured within fourteen (14) days from the date the Notice of Default is filed, the automatic stay and Co-Debtor Stay shall be terminated as to the Property upon Movant filing a Notice of Lifting with the Court. The filing of a Notice of Lifting shall have the legal effect of modifying the automatic stay and Co-Debtor Stay without further order of the Court.

5. The Debtor may avail himself/herself of the cure provision set forth in paragraph 2, 3 or 4 above a total of two (2) times. In the event of a third (3rd) default, Movant may file a Notice of Lifting with the Court, and the automatic stay and Co-Debtor Stay will automatically modify without further Order as Debtor will no longer have the right to cure thereunder.

6. The Proof of Claim heretofore submitted by Movant shall stand unaffected and payments made thereunder shall be paid to Movant unless a Notice of Default and Notice of Lifting are presented to the Trustee and filed with the Bankruptcy Court.

7. If the Debtor's Bankruptcy case is dismissed or converted to another Chapter, this agreed repayment order shall be void.

8. In the event that Heavner, Beyers & Mihlar, LLC should have to send out any Notices of Default, the Debtor shall pay an extra \$100.00 per notice, as additional attorneys' fees, in addition to whatever funds are needed to cure the default and that said additional funds must be tendered prior to the expiration of the cure period as set-forth in the Notice.

AGREED:

PNC Bank, National Association

/s/ Amanda J. Wiese

Amanda J. Wiese
one of its attorneys

DATED: APR 10 2019

Dale R Neitzel

David H. Cutler
David H. Cutler, his/her attorney

ENTER:

Janet S. Baer
Bankruptcy Judge

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